

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
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Attorney for GREEN TREE SERVICING LLC, AS AUTHORIZED SERVICER FOR FANNIE MAE, AS  
OWNER AND HOLDER OF ACCOUNT/CONTRACT ORIGINATED BY COMPASS BANK ITS ASSIGNS  
AND/OR SUCCESSORS IN INTEREST

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE:	§	CASE NO. 10-37756-SGJ-13
	§	
CHRISTIE ELLEN ALKEBULAN,	§	
Debtor	§	CHAPTER 13
	§	
GREEN TREE SERVICING LLC, AS	§	
AUTHORIZED SERVICER FOR	§	
FANNIE MAE, AS OWNER AND	§	
HOLDER OF ACCOUNT/CONTRACT	§	
ORIGINATED BY COMPASS BANK	§	
ITS ASSIGNS AND/OR	§	
SUCCESSORS IN INTEREST,	§	
Movant	§	HEARING DATE: 06/12/2014
	§	
v.	§	TIME: 01:30 PM
	§	
CHRISTIE ELLEN ALKEBULAN;	§	
THOMAS D. POWERS, Trustee	§	
Respondents	§	JUDGE STACEY G. JERNIGAN

**MOTION OF GREEN TREE SERVICING LLC, AS AUTHORIZED SERVICER FOR  
FANNIE MAE, AS OWNER AND HOLDER OF ACCOUNT/CONTRACT  
ORIGINATED BY COMPASS BANK ITS ASSIGNS AND/OR SUCCESSORS IN  
INTEREST  
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) PURSUANT TO 11  
U.S.C. § 362(a) AND WAIVER OF THIRTY DAY REQUIREMENT PURSUANT TO  
§ 362(e)**

**NOTICE - RESPONSE REQUIRED**  
**PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS  
REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY  
BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT**

**MAY BE ENTERED BY DEFAULT.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT EARLE CABELL U.S. COURTHOUSE, 1100 COMMERCE STREET, IN ROOM 1254, DALLAS, TX 75242 BEFORE CLOSE OF BUSINESS ON JUNE 02, 2014, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.**

**HEARING PARTICIPANTS ARE NOTIFIED THAT ABSENT COMPELLING CIRCUMSTANCES, EVIDENCE PRESENTED AT PRELIMINARY HEARINGS IN THE DALLAS DIVISION ON MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY WILL BE BY AFFIDAVIT ONLY. THE PARTY REQUESTING THE HEARING MUST SERVE EVIDENTIARY AFFIDAVITS AT LEAST 7 DAYS IN ADVANCE OF SUCH HEARING; THE RESPONDING PARTY MUST SERVE EVIDENTIARY AFFIDAVITS AT LEAST 48 HOURS IN ADVANCE OF SUCH HEARING**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, GREEN TREE SERVICING LLC, AS AUTHORIZED SERVICER FOR FANNIE MAE, AS OWNER AND HOLDER OF ACCOUNT/CONTRACT ORIGINATED BY COMPASS BANK ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST, by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.
2. On or about November 01, 2010, Debtor (hereinafter "Debtor") filed a petition for an order of relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 13 petition, Movant held a Note executed on June 25, 2003, by CRANSTON L. ALKEBULAN in the original amount of FIFTY THOUSAND SEVEN DOLLARS AND ZERO CENTS (\$50,007.00) with interest thereon at

the rate of 5.875% per annum, as modified by loan modification dated November 23, 2009. A true and correct copy of the Note is attached hereto as Exhibit "A".

4. The indebtedness is secured by a Deed of Trust dated June 25, 2003 and executed by CRANSTON L. ALKEBULAN on real estate with all improvements known as:

UNIT B6, BUILDING B, FAIR OAKS TOWNHOMES, PHASE II, A CONDOMINIUM REGIME IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE DECLARATION AND MASTER DEED RECORDED IN VOLUME 77162, PAGE 2979, CONDOMINIUM RECORDS, DALLAS COUNTY, TEXAS, TOGETHER WITH AN UNDIVIDED 5.6465% INTEREST IN AND TO THE COMMON ELEMENTS THEREOF.

A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".

5. Debtor has failed to maintain current the post-petition payments due under the Note and is presently in arrears for 38 payments through and including the May 1, 2014 payment.

6. The outstanding indebtedness to Movant is \$49,278.38 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

7. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. Debtor has failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

9. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

10. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

11. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all post-petition payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that GREEN TREE SERVICING LLC, AS AUTHORIZED SERVICER FOR FANNIE MAE, AS OWNER AND HOLDER OF ACCOUNT/CONTRACT ORIGINATED BY COMPASS BANK ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

BY: /s/ SHAWN CARTER  
SHAWN CARTER  
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ADDISON, TX 75001  
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E-mail: NDECF@BDFGROUP.COM  
ATTORNEY FOR MOVANT

5/19/2014

**CERTIFICATE OF CONFERENCE**

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, represents the creditor on the foregoing Motion. The undersigned, an attorney, employed by BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, states that prior to filing the foregoing motion he/she did the following:

Debtor's Counsel and/or the Trustee failed to respond to the creditor's communication by the same time on the second business day after such communication.

NOTES: Shawn Carter sent an e-mail to Debtor's Counsel and received a reply that the motion is opposed.

Date of Conference Call: May 16, 2014 4:58 p.m.

BY: /s/ SHAWN CARTER 5/19/2014  
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ATTORNEY FOR MOVANT

**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2014, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

/s/ SHAWN CARTER 5/19/2014

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ATTORNEY FOR MOVANT

**DEBTORS:**

CHRISTIE ELLEN ALKEBULAN  
1648 BONNIE VIEW RD.  
DALLAS, TX 75203

CHRISTIE ELLEN ALKEBULAN  
7414 FAIR OAKS AVE #B6  
DALLAS, TX 75231

**CO-DEBTOR:**

CRANSTON L. ALKEBULAN  
7414 FAIR OAKS AVE #B6  
DALLAS, TX 75231

**TRUSTEE:**

THOMAS D. POWERS  
125 E. JOHN CARPENTER FRWY.  
SUITE 1100  
IRVING, TX 75062-2288

**US TRUSTEE:**

1100 COMMERCE STREET  
ROOM 976  
DALLAS, TX 75242

**DEBTOR'S ATTORNEY:**

TRUMAN E. COE, JR.  
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**PARTIES IN INTEREST:**

BANK OF AMERICA  
PO BOX 650070  
DALLAS, TX 75265

**PARTIES REQUESTING NOTICE:**

AMERICA'S SERVICING COMPANY  
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DALLAS COUNTY  
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GMAC MORTGAGE, LLC  
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GREENTREE CREDIT SOLUTIONS  
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